

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DANIEL JUNIOR MCNEIL,)	
)	
Petitioner,)	
)	1:13CV718
v.)	1:10CR406-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before this court for review of the Memorandum Opinion and Recommendation ("Recommendation") filed on June 3, 2015, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 49.) In the Recommendation, the Magistrate Judge recommends that Petitioner's motion to vacate, set aside, or correct sentence (Doc. 42) be denied without a certificate of appealability. The Recommendation was served on the parties to this action on June 3, 2015. (Doc. 48.) On June 30, 2015, Petitioner filed untimely objections (Doc. 50) to the Recommendation. See Fed. R. Civ. P. 72(b)(2) ("Within 14 days after being served with a copy of the recommended disposition, a party may serve and file . . . objections."). The court will take into consideration Petitioner's objections.

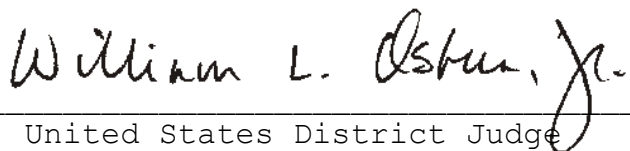
This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified

proposed findings or recommendations to which objection is made.”
28 U.S.C. § 636(b)(1). This court “may accept, reject, or
modify, in whole or in part, the findings or recommendations
made by the [M]agistrate [J]udge. . . . [O]r recommit the matter
to the [M]agistrate [J]udge with instructions.” Id.

This court has appropriately reviewed the portions of the
Recommendation to which objections were made and has made a
de novo determination which is in accord with the Magistrate
Judge's Recommendation. This court therefore adopts the
Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's
Recommendation (Doc. 49) is **ADOPTED**. **IT IS FURTHER ORDERED** that
Petitioner's Motion to Vacate, Set Aside, or Correct Sentence
(Doc. 42) is **DENIED** and that this action is **DISMISSED WITH**
PREJUDICE. A Judgment dismissing this action will be entered
contemporaneously with this Order. Finding no substantial issue
for appeal concerning the denial of a constitutional right
affecting the conviction, nor a debatable procedural ruling, a
certificate of appealability is not issued.

This the 11th day of August, 2015.


United States District Judge